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August 5, 2004

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AND AGENCIES

Commissioner of Patents  
U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street South  
Customer Window, **MS Reissue**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Re: Second Supplemental Information Disclosure Statement  
Appl. No.: 10/811,793  
Filed: March 29, 2004  
Title: **Treatment of Migraine Headache**  
Inventor(s): Plachetka, *et al.*  
Atty. Dkt.: 7569/80993

Dear Sir:

The following documents are being forwarded for appropriate action by the U.S. Patent and Trademark Office:

1. Second Supplemental Information Disclosure Statement;
2. PTO Form-1449, List of References Cited by Applicant;
3. Reference AL1; and
4. Return postcard.

**Applicants do not believe that any fee is due for the filing of this Information Disclosure Statement. However, the Director is hereby authorized to charge any fee deficiency with respect to this filing and any other fee required in connection with the present case, or credit any overpayment, to our Deposit Account No. 06-1135 under Order No. 7569/80993.**

Commissioner for Patents  
August 5, 2004  
Page 2

It is respectfully requested that the enclosed postcard be stamped with the date the enclosed documents are received by the PTO and that it be returned as soon as possible.

Very truly yours,

FITCH, EVEN, TABIN & FLANNERY

A handwritten signature in black ink that reads "Michael A. Sanzo". The signature is written in a cursive style with a large, stylized 'M' and 'S'.

Michael A. Sanzo  
Reg. No. 36,912  
Attorney for Applicants

MAS:ct  
Enclosures



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re reissue patent application of:

Plachetka, *et al.*

Appl. No.: 10/811,793

Filed: March 29, 2004

For: **Treatment of Migraine Headache**

Art Unit: to be assigned

Examiner: to be assigned

Atty. Dkt.: 7569/80993

**Second Supplemental Information Disclosure Statement**

Commissioner of Patents  
U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street South  
Customer Window, **MS Reissue**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

Submitted herewith is a listing of documents known to Applicants and/or their attorney in compliance with the requirements of 37 C.F.R. § 1.56. Copies of the listed documents are also enclosed.

The document listed on the enclosed List of References is a Press Release indicating that the FDA did not approve Pozen's MT 100 product, which is a preparation containing naproxen, sodium and metoclopramide. Applicants are continuing to work with the FDA to resolve the issues raised in their non-approval letter.

Applicants do not waive any rights to appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the present application. This statement should not be construed as a representation that more material information does not exist or that an exhaustive search of the relevant art has been made.

Consideration of the cited documents and making the same of record in the prosecution of the above-captioned application are respectfully requested.

Applicants do not believe that any fee is due for the filing of this Information Disclosure Statement. However, the Commissioner is hereby authorized to charge any fee deficiency to our Deposit Account No. 06-1135 under Order No. 7569/80993.

Respectfully submitted,

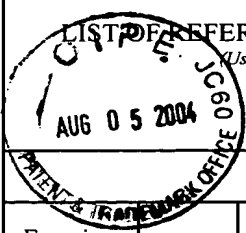
FITCH, EVEN, TABIN & FLANNERY

By



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Attorney for Applicants

Date August 5, 2004  
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 <p><b>LIST OF REFERENCES CITED BY APPLICANT</b> (Use several sheets if necessary)</p>				Atty. Docket No.: 7569/80993		Appl No.: 10/811,793		
				Applicant(s) Plachetka, <i>et al.</i>				
				Filing Date: March 29, 2004		Group: to be assigned		
<b>U.S. PATENT DOCUMENTS</b>								
Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate	
	AA 1							
	AB 1							
	AC 1							
	AD 1							
	AE 1							
	AF 1							
	AG 1							
<b>FOREIGN PATENT DOCUMENTS</b>								
		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	AH 1							
	AI 1							
	AJ 1							
	AK 1							
<b>OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)</b>								
	AL 1	Copy of Press Release indicating Non-Approval of MT 100 Product of Pozen.						
	AM 1							
	AN 1							
	AO 1							
	AP 1							
	AQ 1							
	AR 1							
	AS 1							
Examiner				Date Considered				